

## AMENDMENTS TO THE CLAIMS

The following Listing of Claims will replace all prior versions, and listings, of claims in the application:

### Listing of Claims:

Claim 1 (currently amended): A method of forming ~~a porous structure~~ particles, the method comprising:

~~providing a composite comprising~~ particles that comprise at least a first material that is not soluble in a supercritical fluid and a second material that is soluble in a supercritical fluid; and  
contacting the composite particles with the supercritical fluid to extract the second material from the composite particles and thus form ~~the porous structure~~ particles having an aerodynamic size range of from about 0.5 to about 5 microns and a geometric volume diameter of from about 1 to about 20 microns.

Claim 2 (canceled)

Claim 3 (currently amended): The method according to claim-~~2~~ 1 wherein the first material is selected from the group consisting of pharmaceuticals, biodegradable polymers, biological agents and combinations of two or more thereof.

Claim 4 (currently amended): The method according to claim-~~2~~ 1 wherein the composite particles are in a fluidized bed when contacted with the supercritical fluid.

Claim 5 (currently amended): The method according to claim-~~2~~ 1 wherein the composite particles are suspended in a solvent that is not soluble in the supercritical fluid when contacted with the supercritical fluid.

Claim 6 (canceled)

Claim 7 (original): The method according to claim 1 wherein the supercritical fluid is supercritical carbon dioxide.

Claims 8 and 9 (canceled)

Claim 10 (currently amended): A method of forming ~~a porous structure~~ particles having a desired degree of porosity, the method comprising:

providing a first material that is not soluble in a supercritical fluid;  
providing a second material that is soluble in a supercritical fluid;  
contacting the first material and the second material together under conditions adequate to form a composite particles, wherein the amount and distribution of the second material in the composite particles determines the porosity of the resulting porous ~~structure~~ particles; and  
contacting the composite particles with the supercritical fluid to extract the second material from the composite particles and thus form ~~the porous structure~~ particles having an aerodynamic size range of from about 0.5 to about 5 microns and a geometric volume diameter of from about 1 to about 20 microns.